

**NURSING HOME ADMINISTRATORS EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
FEBRUARY 18, 1999**

PRESENT: Omar Barberena, Shirley Keller, Karen Davis-Robinson, Nancy Harper, Patricia Schulz, Jerry Schallock, Tony Oberbrunner

EXCUSED: Rhoda Arzoomanian, Robert Mulder and Roland Hammer

STAFF PRESENT: Cletus Hansen; Bill Dusso, Ruby Jefferson-Moore, Marlene Cummings, Jack Temby, and Division of Enforcement Staff were present for portions of the meeting.

GUESTS: None

CALL TO ORDER

The meeting was called to order at 9:30 a.m. by Shirley Keller, Chair. A quorum of six members was present.

AGENDA

MOTION: Karen Davis-Robinson moved, seconded by Nancy Harper, to approve the agenda as published. Motion carried unanimously.

MINUTES (12/16/98)

MOTION: Karen Davis-Robinson moved, seconded by Jerry Schallock, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Due to the fact that Secretary Cummings was unable to appear before the Board until later in the morning, Jack Temby explained the new policy, entitled "Timelines in the Enforcement Complaint Handling Process." Part of the discussion focused on #13, page 5 of the policy, relating to the procedures for identifying cases that do not comply with the timelines. The Board requested that DOE place a notation the cover letter sent to case advisors, alerting them to the timeline established for that case. Bill Dusso also identified several items for the Board's attention.

Mr. Temby and the Board also discussed the possibility of keeping track of corporations indirectly involved in the complaints received by the Board against various nursing home administrators. Mr. Temby said that this type of information is not in the computer; however, there may be a way of manually keeping track of it. Mr. Oberbrunner pointed out that the Bureau of Quality Assurance has some information available. A person may contact BQA and find out how well a nursing home is performing, based on BQA surveys.

Bureau Director's Report

Clete Hansen reported that Dr. Roland Hammer had called to inform the Board that he would not be able to attend the February meeting, and probably the April meeting, due to health reasons.

- **New Board Members**

Anthony Oberbrunner, a designee of Joe Leann, Secretary of the Department of Health and Family Services, was introduced as the newest member of the Board, appointed to replace Phyllis Tschumper, also a designee of Secretary Leann. Mr. Oberbrunner is a non-voting member.

The Board requested that Ms. Tschumper be invited to join the Board for lunch at the next meeting.

Board Roster

The Board received a copy of the roster. Several corrections or additions were noted and staff will provide a new roster in the next Board meeting packet.

- **1999 Meeting Dates**

The Board received a copy of the 1999 complaint screening dates and the Board meeting dates. Noted.

- **To Pass Folder**

Information was circulated in the To Pass Folder and duly noted.

LEGISLATIVE UPDATE

LRB-0740/1 re: Requirements that Apply to a Person Taking the Examination for a Nursing Home Administrator License

The Board received a final bill draft of LRB-0740/1, relating to the requirements that apply to a person taking the examination for a nursing home administrator license. The draft was ready for introduction.

The Board and Secretary Cummings discussed the rationale for requiring an applicant to have a bachelor's degree before being allowed to take the examination for a nursing home administrator license. Secretary Cummings expressed concern that the proposal simply requires a bachelor's degree without required coursework in specific areas that relate to the practice of a nursing home administrator. Secretary Cummings said that she would not testify at a hearing regarding the proposal. Several board members stated that the proposed legislation is consistent with the policy of the National Association of Boards of Examiners of Long Term Care Administrators (NAB) to require examination applicants to hold no less than a baccalaureate degree to sit for the NAB examination, which becomes effective June 30, 2001. The board and Secretary Cummings also discussed the current rule requirements, the need to quantify the data (i.e., what kinds of people are applying for a license; what kinds of problems are identified in complaints against licensees?) Secretary Cummings said that staff will assist the Board in gathering this information. Karen Davis-Robinson said that she will give Secretary Cummings a syllabus of her degree program at the University of Wisconsin-Eau Claire.

MOTION: Nancy Harper moved, seconded by Jerry Schallock, that the Board requests that Karen Davis-Robinson and Ruby Jefferson-Moore revise the bill draft and include language about the specific course work which would be required. Motion carried unanimously.

Board members suggested that the two primary legislators to approach with this bill would be Senators Rod Moen and Peggy Rosenzweig.

ADMINISTRATIVE RULES UPDATE

Proposed Rules re: Issuance and Use of Administrative Warnings

The Board received a copy of the final rules relating to the issuance and use of administrative warnings.

PROPOSED FEDERAL RULES RE: HEALTH CARE FRAUD AND ABUSE DATA COLLECTION

The Board noted the memo of Randy Lindner, Executive Director of the National Association of Boards of Examiners of Long Term Care Administrators (NAB), to Denney Austin on January 18, 1999, relating to the proposed regulations that implement the Health Protection and Integrity Data Bank. The memo includes a document that incorporates the concerns expressed by NAB members who responded to a request for comments on the proposed regulations. Ruby Jefferson-Moore reported that the Executive Committee of NAB will meet next week to discuss the action the NAB will take to assist its member to report certain final adverse actions against health care providers to a federal fraud and abuse data bank. The NAB board would have to act on the recommendations. The NAB will want to assess its exposure to liability as a result of its participation in such a program.

EXAMINATION ISSUES

Darwin Tichenor was unable to attend the meeting.

The board noted correspondence from the NAB regarding fee changes, computer-based examinations and study guides for the examination

The Board received a copy of Darwin Tichenor's e-mail message which quoted Randy Lindner as saying that Wisconsin applicants would still be able to take the NAB exam after June 30, 2001, even if the Board were unsuccessful in changing the Wisconsin statutes to require a bachelor's degree.

BOARD MEMBER ACTIVITY

Report Re: 1998 Annual Meeting of the Citizens Advocacy Center

Omar Barberena distributed materials that he had received at the meeting. He also communicated the Council's goal of making public members more effective by better communications with the public, utilization of Web pages to give and receive information, the use of business cards for board members and better communications by states with the national office for the purpose of communicating what the individual states are doing.

CAREGIVER BACKGROUND CHECKS

Clete Hansen distributed a newspaper article, expressing some concerns about the impact of the background checks, and materials obtained from the Web site of the Department of Health and Family Services. Mr. Oberbrunner stated that his department has conducted quite a few hearings on the emergency rules. He suggested that board members and others should keep checking his department's Web site for more information. Pat Schulz stated that the Wisconsin Health Care Association is able to obtain the background checks for nursing home administrators and others at a lower fee than the caregiver would have to otherwise pay.

CERTIFICATION PROGRAM FOR NURSING HOME ADMINISTRATORS

Ruby Jefferson-Moore explained the changes that would be need to be made in the statutes and rules, in order for the Board to be able to utilize the certification program of the American College of Health Care Administrators (ACHCA) as an option for endorsement and reciprocity of licensure. Ruby Jefferson-Moore referred to the relevant rules and s. 456.98, Stats., and said that these laws give the board quite a bit of room for interpretation. However, she urged the board to address both the ACHCA and the reciprocity issue at this time. One alternative is to simply add a third category in the reciprocity provision, such as "certification by the American College of Health Care Administrators (ACHCA)."

MOTION: Karen Davis-Robinson moved, seconded by Jerry Schallock, to add language to the statutory draft and to amend the current rule to improve the reciprocity provisions and to be enable the board to accept the certification of the American College of Health Care Administrators (ACHCA). Motion carried unanimously.

Clete Hansen will prepare a scope statement.

ELECTION OF OFFICERS

MOTION: Karen Davis-Robinson moved, seconded by Nancy Harper, that elections be postponed until the June meeting when the terms of Shirley Keller, Nancy Harper and Rhoda Arzoomanian expire. Motion carried unanimously.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Clete Hansen's thank you letter to Professor M. Scott Stegall, noted.

NEW BUSINESS

None.

RECESS TO CLOSED SESSION

MOTION: Karen Davis-Robinson moved, seconded by Nancy Harper, to convene the meeting in Closed Session pursuant to sections 19.85(1)(a), (b), and (f),

Wis. Stats.: to consider the licensing or discipline of a person licensed by this Board or the investigation of charges against such a person. Specifically, to discuss monitoring reports, case status reports, case closings, stipulations, deliberations on stipulations that may be signed after printing of the agenda, deliberations on proposed disciplinary matters that may be signed after printing of the agenda, pending applications, examination issues, and disciplinary proceedings. Motion carried by a roll call vote: Shirley Keller-yes; Patricia Schulz-yes; Karen Davis-Robinson-yes; Jerry Schallock-yes; Omar Barberena-yes; Nancy Harper-yes; Motion carried unanimously.

Open Session recessed at 12:35 p.m.

The Board received a copy of the Case Status Report.

The Board deliberated on two cases recommended for closing.

RECONVENE IN OPEN SESSION

MOTION: Omar Barberena moved, seconded by Pat Schulz, to reconvene in Open Session at 1:02 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

STIPULATION

MOTION: Karen Davis-Robinson moved, seconded by Omar Barberena, to close Case #98 NHA 037 for P-1 and that a letter of concern be sent to the licensee. Motion carried unanimously.

Case #97 NHA 023 was returned to DOE staff for more investigation.

ADJOURNMENT

MOTION: Karen Davis-Robinson moved, seconded by Pat Schulz, to adjourn the meeting at 1:07 p.m. Motion carried unanimously.

g:\minutes\nha
nha21899.doc